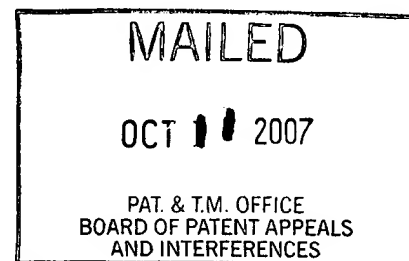


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHAEL N. DERR

Application No. 09/821,116



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on August 25, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On November 20, 2006, appellant filed an Appeal Brief. On page 5, under the heading "Grounds of Rejection to be Reviewed on Appeal" the Appellant stated:

Claims 2, 3 and 5-25 are unpatentable under U.S.C. 103(a) over Baker (U.S. Patent No. 5,996,032 in view Runaldue (5,999,441).

In response, an Examiner's Answer was mailed on March 8, 2007. While the Answer notes that "The appellant's statement of the grounds of rejection to be

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reviewed on appeal is correct . . .” [page 3], the Examiner’s Answer, the following § 103 rejections were made:

Claims 2-3, 5-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker (US 5,996,032) in view of Runaldue et al. (US 5,999,441).

However, on December 21, 2005, the appellant filed an amendment after final, adding claims 23-25 which was considered and entered by the Examiner on March 29, 2007. A clarification of claims 23-25 to be applied under the ground of rejection is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) to give a proper explanation of the grounds of rejection; and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: *Patrick J. Nolan*
PATRICK J. NOLAN
Deputy Chief Appeals Administrator
(571) 272-9797

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PJN/dal

CAVEN & AGHEVLI
C/O INTELLEVATE
P.O. BOX 52050
MINNEAPOLIS, MN 55402